

STATE OF TEXAS §
COUNTIES OF ARANSAS §
SAN PATRICIO AND NUECES §
CITY OF ARANSAS PASS §

A Regular Meeting of the Aransas Pass City Council was held on Monday, March 7, 2022. A notice of the meeting was posted 72 hours in advance in accordance with Section 551, Texas Government Code. Mayor Ramiro Gomez, Mayor Pro Tem Carrie Scruggs and Council Members Vickie Abrego, and Jason Knight were present; Janet Moore was absent. Also present was City Manager Gary Edwards and City Attorney Roxann Pais Cotroneo.

1. CALL MEETING TO ORDER.

Mayor Gomez called the meeting to order at 5:30 pm.

2. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE UNITED STATES FLAG.

Council Member Abrego gave the invocation and led the Pledge of Allegiance to the Flag.

3. PRESENTATIONS AND PROCLAMATIONS:

Eric Blanchard, Police Chief presented Lifesaving Awards to Gracie Hallas, (6-years old) for her quick response and saving the life of her mother, and Arturo Castillo, APISD Student for saving the life of another student by performing the heimlich maneuver.

3.I Introduction of new firefighters: Noah Marble and Jonathan Baker – Nathan Kelley, Fire Chief

Officer Padron recognized the following two new Firefighters – Noah Marble and Jonathan Baker.

3.II POSTPONED
Update on Conn Brown Harbor Bulkhead – Javier Solis, JM Davidson

4. BOARD AND COMMISSION APPOINTMENTS:

4.I Library Board

A motion was made by Mayor Pro Tem Scruggs to reappoint Anita Kirkland, Marshal Wellman and Juanita Davidson, seconded by Council Member Abrego, and the motion passed.

5. CONSENT AGENDA:

5.I Approval of Special Meeting Minutes of February 17, 2022 and Regular Meeting Minutes of February 21, 2022.

A motion was made by Mayor Pro Tem Scruggs to approve Item 5.I, seconded by Council Member Abrego, and the motion passed.

6. PUBLIC HEARINGS:

There were no Public Hearing items.

7. CITY MANAGER:

7.I Consider and Act on approving a temporary Conn Brown Harbor Lease with Captain Cady's for a One-Year period beginning March 7, 2022 through March 7, 2023.

Gary Edwards, City Manager explained the council had previously approved the Temporary Lease Agreement, but did not include an option to renew; therefore, it is being presented again to allow for an option to renew if needed, if necessary.

A motion was made by Council Member Abrego to approve Item 7.I, seconded by Council Member Knight, and the motion passed.

7.II Consider and Act on Amendment No. 1 to the Professional Services Agreement with T. Baker Smith for the Park Improvement Projects for a fee of \$90,000.

Mr. Edwards provided a brief overview of this item that a Request for Qualifications for Engineering Services was issued and consequently awarded to T. Baker Smith, a local firm. He further stated the purpose of the RFQ was for design and engineering services for the ball fields, concession stand with restroom and the pavilion. Mr. Edwards stated the costs for these services was significantly higher at approximately \$140,000 but has been lowered to \$90,000.

Mr. Edwards stated that since temporary work has been performed at the ball fields, he is in the process of determining if the work is still necessary at the ball fields, and if no additional work is necessary at the ball fields, the work remaining will be at the concession stand with restroom and the pavilion.

Mayor Gomez stated he disagrees with the \$90,000, and noted that the city has already paid \$25,000 for a presentation. He further stated to pay \$90,000 for design work, when contacting a metal building company is less and includes design and engineering, and reiterated that \$90,000 is too expensive for the basketball pavilion and the remodel of the little league field. Mr. Gomez stated he spoke with an engineering firm today and the cost is a lot cheaper, and the metal company he spoke with (including design) is less. Mr. Gomez stated he does not support this item.

Mayor Pro Tem Scruggs asked when T. Baker Smith was hired what was the original amount, and Mr. Synovitz responded the cost for the conceptual study was \$10,000. Mayor Gomez stated that these projects can be done in-house, and subcontract individually, and in regards to the concession stand, it only needs to be re-modeled with a new roof, new siding, new steps since the building is physically sound. Council Member Knight asked how in-house engineering is handled, and Mayor Gomez responded that the Director of Public Works would go out to receive quotes and include the company he contacted for a design and measurements. Mr. Edwards responded that city policies does not allow contacting one company, and Mayor Gomez clarified that city staff contact three different companies. Mr. Edwards noted the procurement process requires that bidding is done fairly and legally. He further stated that initially the project was not for rebuilding the current facility and if the city wants to go in a different direction, it will be necessary to go back to the Municipal Development District and Little League to advice of a less expensive project so that funding is there for the pavilion.

Mayor Gomez agreed that it would be necessary to go back to the MDD board to explain that the monies the city initially received from the MDD will not cover the total cost of these projects. Council Member Abrego expressed the importance that the process be legal and the city not solicit individual bids, but rather re-open the RFQ and restart the process. Mayor Pro Tem Scruggs asked how many total bids were submitted, and Fernando Quintanilla, Director of Public Works responded approximately 4 to 5 bids.

Steven Synovitz, T. Baker Smith stated the Texas Engineer Practice Act has a history because several years ago they did not have quality based selection for engineers, and consequently an engineering project for a school, where the school blew-up and 230 children were killed, this being the reason for the enactment of the Engineer Practice Act in Texas. Mr. Synovitz emphasized the Act states that you do not bid engineering services, but rather it is quality based selection which is what the city has done by advertising an RFQ, performed the ranking requirement, and then negotiate for the fee; and if the city is not pleased with the fee, the process states you then go to the second ranking to negotiate, and so forth. Mr. Synovitz re-empathized that you do not bid on pricing for engineering services.

A motion was made by Council Member Knight to deny Item 7.II for professional services with T. Baker Smith for the park improvement projects for a fee of \$90,000, seconded by Mayor Pro Tem Scruggs, and the motion to deny passed by the following vote: Gomez, Knight and Scruggs voting Aye; Abrego voting No.

7.III Consider and Act on approving the tax reimbursement for tax year 2021 to de-annex residents from Aransas County that were part of Phase I-III annexation in 2019.

Sandra Garcia, Director of Finance stated the council previously approved the reimbursement of the 2020 property taxes to de-annex residents in Aransas County. She stated the item in today's agenda is for reimbursement of the 2021 property taxes. Ms. Garcia further stated the taxes for the 2021 tax year were incorrectly issued and included the City of Aransas Pass as a taxing entity in the de-annexed area, and consequently paid by some property owners. Ms. Garcia stated the reimbursement amount is \$31,839.19. In response to a question from Council Member Abrego, Ms. Garcia responded that some of the property owners who paid had a mortgage.

A motion was made by Council Member Abrego to approve Item 7.III, seconded by Mayor Pro Tem Scruggs, and the motion passed.

8. COMMUNITY ENRICHMENT:

8.I Consider and Act on issuance of a request for proposals for the 2022 Independence Celebration Firework Display to be held at the harbor.

Kaylynn Paxson, Director of Community Enrichment stated this was a routine item for approval to issue a request for proposals for the Independence Celebration Fireworks Display.

A motion was made by Mayor Pro Tem Scruggs to approve Item 8.I, seconded by Council Member Abrego, and the motion passed.

9. DEVELOPMENT SERVICES:

- 9.I Consider and Act on awarding request for proposals for the Road Rejuvenating Projects to Pavement Restoration, Inc. for an amount not to exceed \$54,906.75.

Fernando Quintanilla, Director of Public Works stated that one proposal was received by Pavement Restoration. He stated this was the same company that performed work at Arch, Yoakum and the Lighthouse Lakes road. He further stated he hopes this process will last four to five years, and will be a cost savings to the city with maintenance costs.

A motion was made by Council Member Knight to approve Item 9.I, seconded by Council Member Abrego, and the motion passed.

- 9.II Consider and Act on award request for proposals for the Goodnight Ditch Expansion Project to Bridges Specialties, Inc. for an amount not to exceed \$124,500.00.

Mr. Quintanilla stated that the expansion of the Goodnight Ditch was recommended in the Drainage Study. He stated that four bids were submitted and staff recommends Bridges Specialties, and the bid is underbudget

A motion was made by Mayor Pro Tem Scruggs to approve Item 9.II, seconded by Council Member Abrego, and the motion passed.

10. FINANCE:

There were no Finance items.

11. INFORMATION TECHNOLOGY:

There were no Information Technology items.

12. PUBLIC SAFETY:

There were no Public Safety items.

13. CITY COUNCIL OR STAFF ANNOUNCEMENT:

Mr. Edwards announced that a Workshop Meeting is being scheduled for March 28, 2022 and will include the following items: Propose Market Place at Conn Brown Harbor, 25-Foot Lots, and Vouchers at the Transfer Station. Mr. Edwards stated the Administrative Committee suggested that he begin a monthly city manager report, similar to the department head updates, and will begin doing so next month.

Mr. Edwards announced the Mayor's Association Meeting is scheduled for Thursday, March 10, 2022 at 6 pm at the Civic Center.

14. CITIZEN COMMENTS:

Juanita Johnson, 342 No. 12th Street commented on the condition of a home near her home that was damaged by Hurricane Harvey which needs to be demolished. She stated the home is within ten (10) feet of her home, has no roof and is not re-buildable.

15. EXECUTIVE SESSION:

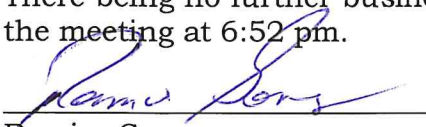
The meeting was recessed into Executive Session at 6:10 pm under the provision of Section 551, Texas Government Code to discuss the authority of:

15.I.1 Section 551.071 and 551.072 - Commercial Contract with 630 Ransom Island Partners, LLC (Formerly known as Bluewater Partners, LLC) for unimproved property with an addendum of special provisions for Nueces CAD No. 380310, a 28.61 acre of land on Ransom Island Tr, 7, commonly known as 630 R. Ransom Road, Aransas Pass, Texas 78336

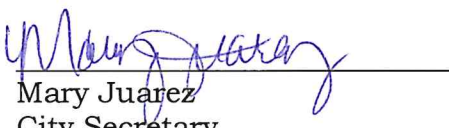
The council reconvened in open session at 6:52 pm.

16. ADJOURNMENT:

There being no further business to come before the Council, Mayor Gomez adjourned the meeting at 6:52 pm.



Ramiro Gomez
Mayor



Mary Juarez
City Secretary

Approved on: March 21, 2022